

REMARKS

Applicants, through their Attorney, respectfully request the Examiner to reconsider and withdraw the rejection of the Claims for the reasons set forth below.

Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended Claims 5-7 to be dependent on claim 27. In view of the amendment above to claim 7, claim 8 now meets the requirements of 35 U.S.C. 112, second paragraph. In view of the amendments to claims 5-7, the Examiners rejection under 35 U.S.C. 112, second paragraph should be withdrawn.

The Examiner has rejected claims 1, 5-8, 11 and 27 under U.S.C. 102(e) in view of Burrington et al. (US 6,843,916). Applicants submit along with this office action response, a declaration under 37 CFR 1.132. The declaration indicates that the present invention was derived from the invention of '916 patent. In view of this declaration under 37 CFR 1.132, Applicants request the Examiner to withdraw the U.S.C. 102(e) rejection.

Claims 1 and 14 through 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace (US 5,944,858) in view of Highton (US 6,310,010). The Examiner states that the difference between Wallace and the present invention is the requirement that the additive is in the form of a gel, the ratio of the detergent to the dispersant being about 10:1 to 1:10, and the TBN is from about 100 to about 400.

The Examiner is of the position that Highton discloses the requirements not taught by Wallace. Applicants respectfully traverse.

Highton teaches a composition that requires a surface active agent, a dispersant and a detergent, see column 3, lines 34-47. Applicants' gel composition as claimed in claim 1 does not require a surface active agent as defined in Highton column 12, lines 30-33. Accordingly, Applicants' gel composition is neither suggested nor obvious from the use of a surface active agent in a composition as disclosed by Highton. (Should we specifically exclude by adding new matter.)

Applicants' gel slowly releases the additive components over time as the hot oil is contacted with the gel, in contrast Highton's composition does not suggest or teach the slow release of components into the fluid at all. Thus, Applicants'

invention is neither suggested nor taught by Highton in that Applicants' claim a lubricant additive gel slowly releasing additives into a fluid.

Given the differences highlighted above between the gel of the present invention and the disclosure of Highton, the combination of Wallace with Highton does not produce Applicants claimed invention. Therefore Applicant's submit that the present invention is non-obvious over Wallace in view of Highton. Applicants request the Examiner to remove the U.S.C. 103(a) objection and find all claims allowable.

Claim 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace in view of Orr. The references disclose an improved fuel composition, in contrast Applicants claim a gelled composition of fuel additives that can decrease the amount of soot in lubricating oil engines or decrease the amount of emissions in the engine exhaust. Accordingly, it would not be obvious to one skilled in the art to combine the Orr reference with the Wallace reference. Accordingly, the 35 U.S.C. 103(a) rejection of Claim 9 should be withdrawn.

In summary, Applicants have shown their invention to be not only in full compliance with the requirements of 35 U.S.C.112, second paragraph, but have also shown that their invention is not anticipated by nor unobvious over the recited references. Accordingly, Applicants request Examiner to reconsider this position in view of this response and withdraw the rejections.

If any fees are due with the filing of this document, the Commissioner is authorized to charge those fees to The Lubrizol Corporation Deposit Account No. 12-2275. A duplicate copy of this document is enclosed for such purposes.

Respectfully submitted,

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